

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1247

Introduced by Senator Gaines

February 23, 2012

An act to amend Sections 4201, 4227, 4251, 4252, 4327, and 4357 of, and to add Sections 4250 and 4405 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1247, as amended, Gaines. Watermaster service areas: cost of administration.

Existing law requires the Department of Water Resources to divide the state into watermaster service areas for the purpose of distributing water in accordance with certain water right determinations. Existing law authorizes the department to incur costs and make expenditures as necessary to provide for the administration of a service area and the distribution of water therein. Existing law requires the water rightholders to pay all of those costs.

~~This bill would reduce the amount of costs to be paid by~~ *authorize the department to pay up to 50% of watermaster costs, to the extent that funds are appropriated for this purpose, and require the water rightholders and instead would require the department to pay an unspecified percent to pay the remainder of watermaster costs and make conforming changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4201 of the Water Code is amended to read:

4201. ~~_____~~*To the extent that funds are appropriated for this purpose, up to 50 percent of the cost of administration of a service area and the distribution of water therein shall may be paid by the state department and _____ percent by the remainder shall be paid by the owners of the rights to divert or store water within the service area as provided in this chapter.*

SEC. 2. Section 4227 of the Water Code is amended to read:

4227. The statement shall also contain an apportionment ~~of _____ percent of the amount of the budget to be paid by the owners among the owners of the various rights to store or divert within the service area.~~

SEC. 3. Section 4250 is added to the Water Code, to read:

4250. As used in this article, ~~“owners”~~ “owner’s expense” means ~~_____ percent of the total amount of the budget for the service area less any amount paid by the department.~~

SEC. 4. Section 4251 of the Water Code is amended to read:

4251. One-tenth of the ~~owners’~~ owner’s expense shall be apportioned equally among the respective ownerships of all water rights involved, and except as otherwise provided in this article the remaining nine-tenths shall be apportioned among the ownerships of the respective water rights in accordance with the quantities of water that the owners of the respective water rights are entitled to store or divert within the service area.

SEC. 5. Section 4252 of the Water Code is amended to read:

4252. In all cases of rights to divert the direct flow of a stream, without storage, for power development or other nonconsumptive use, where the entire flow so diverted, with the exception of reasonable transportation losses, is returned to the same stream system above the next lower diversion, the owners of these rights shall share on account of these rights only in the equal apportionment of one-tenth of the owner’s expense, and shall not share in so far as these rights are concerned in the apportionment of the remaining nine-tenths.

SEC. 6. Section 4327 of the Water Code is amended to read:

4327. The statement shall be submitted on or before the first day of September of the year preceding that for which it is made

1 and shall apportion ~~_____~~ percent of the budget it contains *that is*
2 *to be paid by the owners* to the association.

3 SEC. 7. Section 4357 of the Water Code is amended to read:

4 4357. ~~_____~~ percent of the *The* expenditures for the supervision
5 of the distribution of water in any service area *that is to be paid*
6 *by the owners* shall be paid from that portion or account of the
7 Water Resources Revolving Fund credited on the department's
8 books to that service area, upon claims approved by the department
9 and otherwise audited and approved as may be required in the case
10 of other claims against the state.

11 SEC. 8. Section 4405 is added to the Water Code, to read:

12 4405. ~~_____~~ *Up to* 50 percent of the cost of the work to be
13 performed by the department in rendering watermaster service and
14 incidental duties required under the order or decree ~~shall~~ *may* be
15 paid by the state and the remainder shall be paid by the owners
16 and deposited by the department ~~and deposited by the department~~
17 as received from the respective owners.